HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.NO.9206 OF 2000

DATED: 28.7.2005

Between:

Talluri Pitchi Reddy

… Petitioner

and

The Sale Officer, Dist. Cooperative Central Bank

Ltd, West Godavari District

and others.

… Respondents

HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.NO.9206 OF 2000

ORAL ORDER:

This writ petition is filed, seeking a writ of Mandamus, to declare the action of the respondents 1 and 2 in notifying the land bearing R.S.No.705 admeasuring Ac.4.07 cents, Pragadavaram for auction, as illegal and arbitrary.

It is the case of the petitioner that the 3rd respondent, who is no other than his son, deceived him and obtained his signature and mortgaged the property of the petitioner in his loan account. Even from the affidavit filed in support of the writ petition, it is not in dispute that the said land in question is mortgaged with 1st respondent-District Cooperative Central Bank, for the purpose of obtaining loan by the 3rd respondent. It is the case of the petitioner that, the other lands which stood in the name of his son-3rd respondent can be sold away, before proceeding for taking steps against the land in Sy.No.705.

Though the matter pertains to the year 2000, no counter is filed on behalf of the respondents 1 and 2.

However, from the very affidavit filed in support of the petitioner, it is to be seen that it is not in dispute that even the land covered by R.S.No.705 is also mortgaged in the loan account of the 3rd respondent. In that context, steps were taken to sell the said property in execution proceedings, pursuant to orders passed by the Primary Agricultural Cooperative Credit Society-1st respondent herein.

If the petitioner is aggrieved, it is open for him to take steps as per the remedies available under the A.P. Cooperative Societies Act, by moving a statutory appellate authority. As much as, admittedly, the land in question is also mortgaged to the respondent-bank in the loan account, he cannot question the same in this writ petition.

The writ petition is devoid of merits and the same is accordingly dismissed. No order as to costs.

28.7.2005

CVM